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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,085	03/22/2001	Stefan Wintermantel	DRN204	3427

7590
Horst M Kasper
13 Forest Drive
Warren, NJ 07059

07/23/2003

EXAMINER

WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 07/23/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Application No.

09/806,085

Applicant(s)

WINTERMANTEL, STEFAN

Examiner

John J. Wilson

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 19, line 3, "at a tooth crown" is unclear as to whether "at" means that the seated element is connected to the crown or not and to whether the elements are being claimed in combination or not, in line 4, "slidable" is poor grammar, in line 5, "the denture" lacks proper antecedent basis. In line 6, "is guidable" is unclear because it does not appear that the spring "guides" the bar, also in line 6, "a spring" is unclear as to whether it is referring to the same spring already mentioned (note: a claim must stand on its own and cannot rely on designations from the drawings), in lines 7 and 8, "as seen from the removal direction of the denture under regions of a fixedly seated element" is unclear as to what this means and to how this relates to guided spring, in line 8, "at a tooth crown" is unclear, see above, in line 9, "its parts" is unclear as to what parts are being referred to, in line 10, "removable again" is unclear because there has been no removable referred to above, In line 10, "this spring force" lacks proper antecedent basis, in line 14, "the shift motion" lacks proper antecedent basis and in line 17, "through limit stop faces" is unclear as to how these elements relate to the other claimed elements. Problems with claim 19 have been specifically pointed out as an example of the general language problems in this application. All of the claims must be checked and placed in proper US form.

Drawings

The drawings filed June 18, 2003 are objected to by the examiner because the proposed changes have not been approved by the examiner. Any proposed changes to drawings must be submitted as copies with the changes marked in red for approval by the examiner. It is noted that numeral 12 in Fig. 2 is out of place.

Specification

The specification is objected to because it appears to be a translation of a foreign filed disclosure, and as such, contains errors in form and grammar, for example, see page 3, line 4, "in the course of line" and line 16, "gripped into a groove". The entire disclosure must be checked and placed in proper U.S. form.

Headings are suggested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romagnoli (4345901). Romagnoli shows a connecting element having a slidable locking bar 13, Fig. 5, spring 15 and push button 14. The disengagement of 13c from

Art Unit: 3732

groove 6 will obviously release inherent tension between the elements and effect a slight lifting. Elements 13c and 6 inherently comprise stop surfaces. The specific shape of the inferentially claimed denture or tooth or implant is given no patentable weight. The specific shape of the elements is an obvious matter of choice in the shape of known structure to the skilled artisan.

Allowable Subject Matter

Claims 20 and 21 contain allowable subject matter subject to the 35 U.S.C. 112 rejection above.

Response to Arguments

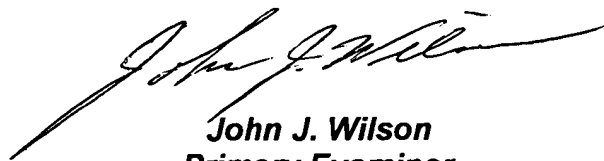
Applicant's arguments filed June 18, 2003 have been fully considered but they are not persuasive. With respect to the rejection made under 35 U.S.C. 103, the locking device 13c of Romagnoli is movable upon actuation of the pushbutton 14 and the locking bar 13 as shown, and therefore, meets the claim language. The device will inherently release inherent tension between the elements and effect a slight lifting, and therefore, meets the claim language. It appears that applicant may be giving weight to the use of designating letters such as "(A)" and therefore reading the description and drawing of the element "A" into the claim language, however, in U.S. practice, while the use of numerals and designating letters within a claim is proper, the claim language must stand on its own. The actual claim language is properly met as detailed above.

Art Unit: 3732

With respect to the 35 U.S.C. 112 rejection of the claims and objection to the specification, applicant must correct the poor grammar and place the specification and claims in proper US form. The Patent Office is not an editorial venue and cannot point out every specific problem with grammar and confusing language that may have resulted from a translation of a foreign filed application. It is applicant's responsibility to place this application in proper US form. An amendment which does not address these rejections and objections may properly be held non-responsive.

Conclusion

Any inquiry concerning this communication should be directed to John Wilson at telephone number (703) 308-2699.

A handwritten signature in black ink, appearing to read "John J. Wilson", is positioned above the printed name and title.

**John J. Wilson
Primary Examiner
Art Unit 3732**

jjw

July 18, 2003

Fax (703) 308-2708

Work Schedule: Monday to Friday – Flex Time